

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ANGELO CLARK,	:	
	:	
Plaintiff,	:	
	:	Civil Action No.: 06-465 SLR
v.	:	
	:	
CORRECTIONAL MEDICAL SERVICES,	:	
	:	
Defendants.	:	

DEFENDANT CORRECTIONAL MEDICAL SERVICES'
REDACTED RESPONSE TO MOTION FOR PRELIMINARY INJUNCTION

In accordance with the Court's Order of July 17th, 2007 (D.I. 52), in response to Plaintiff's July 10, 2007 Motion to the Court (D.I. 44), that the Court has construed as Motion for Immediate Injunctive Relief, Correctional Medical Services, (CMS) by and through its undersigned counsel, hereby respectfully submits the following. By complying with the Court's July 17 Order, CMS does not intend to waive service of process or any jurisdictional or service defects which may be available to it, and its compliance should not be construed as a waiver of service or any jurisdictional defenses. CMS specifically reserves the right to raise jurisdictional and service defects which may be available to it.

Background

Plaintiff Angelo Clark is an inmate in the custody of the Delaware Correctional Center (DCC) in Smyrna, Delaware where he is serving a sentence after pleading guilty to Fourth Degree Rape arising from an incident that occurred on May 7, 2004 at the [REDACTED]. At the time of the incident, the Plaintiff was [REDACTED]. The Complaint that forms the basis of this lawsuit was filed on or about July 31, 2006 and the

Plaintiff has made subsequent filings on or about October 5, 2006 (DI 8), October 20, 2006 (DI 10), November 1, 2006 (DI 14), January 4, 2007 (DI 18), February 1, 2007 (DI 20), May 15, 2007 (DI 29), and May 29, 2007 (DI 30). Separate from these and other filings in the Federal District Court, the Plaintiff has filed Motions for Post Conviction Relief in the Delaware Superior Court, all of which have been denied, the latest denial having been issued by the Delaware Superior Court on July 20, 2007. See Superior Court Criminal Docket attached as exhibit A. Plaintiff had been initially represented by counsel at the initial stages of his Petitions for Post Conviction Relief, but in April 2006, Plaintiff began filing letters and motions as a *Pro Se* litigant.

During the Plaintiff's incarceration at DCC, the Plaintiff has received medical attention and care from various providers, including Correctional Medical Services. As the medical records reveal, the Plaintiff has been treated for various symptoms and conditions, including [REDACTED]. As part of the Plaintiff's care, he was evaluated and treated by [REDACTED]. [REDACTED].

[REDACTED] began treating the Plaintiff shortly after the beginning of his employment with CMS, in February 2006. Throughout 2006, the Plaintiff was followed and treated for [REDACTED]. To treat these ailments, the Plaintiff was evaluated by [REDACTED].

[REDACTED].

[REDACTED].

[REDACTED].

While incarcerated at the DCC, both before and after the transfer to the [REDACTED] the Plaintiff has been followed by Correctional Medical Services' medical

staff, including [REDACTED] care providers, who have treated and continue to treat the Plaintiff for a number of symptoms and diagnosis, such as [REDACTED]. See Plaintiff's medical records for dates of service from June 13, 2007 to July 19, 2007 attached as exhibit H.

When the Plaintiff was discharged from [REDACTED] on June 13, 2007, and returned to DCC, he was admitted to the DCC infirmary. One of the admitting physicians was Dr. Anthony Cannuli, M.D, who performed a review of medications and placed the Plaintiff on [REDACTED]. On June 20, 2007, a [REDACTED]. See [REDACTED] attached as Exhibit I. On July 8, 2007, the Plaintiff indicated he was [REDACTED]. On July 10, 2007, the Plaintiff was observed as calm and cooperative indicated "he was okay where he was" and that he would wait to see Dr. Cannuli. See July 10, 2007 observation note attached as exhibit H. Dr. Cannuli examined the Plaintiff on July 19, 2007 after the Plaintiff indicated he was [REDACTED]. See also the Plaintiff's Medication Administration Records from September 2006 to July 19, 2007, attached as exhibit K.

As the Court views the July 10, 2007 "Complaint" as a Motion for Preliminary Injunction, defendant CMS contends that it is clear that Plaintiff is not entitled to a Preliminary Injunction because he has failed to meet the requisite standard for a preliminary injunction. Additionally, Plaintiff is already receiving medical care and treatment for his [REDACTED], thereby obviating the need for Court intervention.

Argument

In order to prevail on a Motion for Preliminary Injunction, a Plaintiff must demonstrate that: 1) he is likely to succeed on the merits; 2) denial will result in

irreparable harm; 3) granting the injunction will not result in irreparable harm to the defendant; and 4) granting the injunction is in the public interest. Kline v. Corr. Med. Servs., 2006 U.S. Dist. LEXIS 91968 *2 (D. Del.) (citing Maldonado v. Houstoun, 157 F.3d 179, 184 (3d Cir. 1997)). Here, Plaintiff has not met the first two elements required to establish entitlement to a preliminary injunction, and the Motion must therefore fail. Specifically, Plaintiff has failed to show that he will prevail on the merits and that denial will result in irreparable harm. As to the remaining elements, Defendant submits that it is already providing adequate [REDACTED] care to the Plaintiff, obviating the need to address the final two elements required to issue a Decree of Preliminary Injunction.

A. Plaintiff Is Not Likely to Succeed on the Merits.

To prevail in a 42 U.S.C. § 1983 cause of action against a medical service provider for inadequate medical treatment, an inmate must establish an Eighth Amendment violation by demonstrating a deliberate indifference to a serious medical need. Estelle v. Gamble, 429 U.S. 97, 104-06 (1976). The Plaintiff must show that he has a serious medical need and that the Defendant was aware of this need and was deliberately indifferent to it. West v. Keve, 571 F.2d 158, 161 (3d Cir. 1978); see also Boring v. Kozakiewicz, 833 F.2d 468, 473 (3d Cir. 1978). It is not enough for the Plaintiff to prove that any individuals were medically negligent in rendering him care as medical malpractice is not enough to prove a constitutional violation. Estelle, 429 U.S. at 106. Finally, neither disagreement as to appropriate medical treatment nor claims of medical malpractice support a claim of an Eighth Amendment Violation. Monmouth County Corr. Inst. Inmates v. Lanzaro, 834 F.2d. 326, 347 (3d Cir. 1987); see also Estelle, 429 U.S. at 107 (noting inmates' claims against medical service providers are not

viable where he continues to receive care despite his belief that more should be done by way of diagnosis and treatment or that options available to medical service provider were not pursued); Harrison v. Barkley, 219 F.3d 132, 138-140 (2d Cir. 2000). Inmates have no right to choice of service, only that reasonable treatment is provided. Harrison, 219 F.3d at 136.

As Correctional Medical Services is a corporation, the Plaintiff must show that CMS had a policy or custom of being deliberately indifferent to a serious medical need. Jackson v. First Corr. Med. Servs., 380 F. Supp.2d 387, 391-92, (D. Del. 2005). In order for CMS to be liable for a civil rights violation of subjecting the Plaintiff to Cruel and Unusual Punishment, the Plaintiff must prove that: 1) the policy or practice created an unreasonable risk of injury; 2) CMS was aware that the unreasonable risk existed; 3) CMS was indifferent to that risk; 4) Plaintiff's injury resulted from the policy. See Collins v. Hunter, 2007 U.S. Dist. LEXIS 3083, *14 (D. Del. 2007). Defendant submits that the Plaintiff cannot prevail on any elements necessary to establish a policy or custom of being indifferent to a serious medical need and as the medical records reveal, CMS' employees and subcontractors have rendered adequate care to the Plaintiff.

On June 20, 2007, the Plaintiff agreed to a [REDACTED]. As Dr. Cannuli's affidavit indicates, the Plaintiff has not been compliant [REDACTED]. Between June 13, 2007 and July 19, 2007, the Plaintiff has been evaluated and/or treated in an appropriate manner and is receiving [REDACTED]. The [REDACTED] the Plaintiff is shown to have received make it very implausible that there is any evidence of CMS instituting a policy of indifference, without which the plaintiff cannot prevail in his underlying claim.

The Motion the Plaintiff filed on July 10, 2007, alleges torture and abuse. However, on the July 10, 2007 Observation Note, the Plaintiff is observed as [REDACTED]. There does not appear to be any evidence in the medical records of torture and it appears more likely that the plaintiff was [REDACTED]. However, even if the Plaintiff were given substantial leeway in his failure to meet his burden of persuasion that he will likely succeed on the merits, the Plaintiff cannot produce any evidence that irreparable harm will result if an Injunction is not granted.

B. There is no evidence that denial of an Injunction will result in Irreparable Harm to the Plaintiff.

As the medical records and Affidavit of Dr. Cannuli demonstrate, the Plaintiff continues to be [REDACTED]. As of July 19, 2007, the Plaintiff has agreed to be [REDACTED].

Attached as exhibit K are the Plaintiff's Medication Administration Records from June 2006 to July 19, 2007 that indicate the Plaintiff was prescribed [REDACTED]. On July 19, 2007, Dr. Cannuli examined the Plaintiff and observed that the Plaintiff [REDACTED]. The Plaintiff has since confirmed with Dr. Cannuli that he will be [REDACTED]. See affidavit of Dr. Cannuli attached as exhibit B.

The Plaintiff's recent court filings of July 20, 2007 (DI 65) wherein the Plaintiff has asked for a lawyer and his July 22, 2007 filing (DI 66) wherein the Plaintiff indicated that if he does not receive a lawyer that he would still like to go to trial, may be further evidence as a sign of [REDACTED].

As CMS, through its employees and subcontractors, has been providing adequate medical care to the Plaintiff and will continue to do so while the Plaintiff is in the custody of DCC, the Plaintiff cannot demonstrate irreparable harm if a Preliminary Injunction is

not granted and therefore cannot meet the second requirement of a preliminary injunction.

Conclusion

For the reasons stated herein, Plaintiff has failed to demonstrate his entitlement to a preliminary injunction and the Motion should therefore be denied.

/s/ Patrick G. Rock, Esquire

Megan T. Mantzavinos, Esquire/ID No. 3802

Patrick G. Rock, Esquire/ID No. 4632

Marks, O'Neill, O'Brien & Courtney, P.C.

913 North Market Street, #800

Wilmington, DE 19801

(302) 658-6538

Attorney for Defendant

Correctional Medical Services

SEALED DOCUMENT

EXHIBIT B

SEALED DOCUMENT

EXHIBIT C

SEALED DOCUMENT

EXHIBIT D

SEALED DOCUMENT

EXHIBIT E

SEALED DOCUMENT

EXHIBIT F

SEALED DOCUMENT

EXHIBIT G

SEALED DOCUMENT

EXHIBIT H

Plaintiff's medical records for dates
of service from June 13, 2007 to
July 19, 2007

SEALED DOCUMENT

EXHIBIT I

SEALED DOCUMENT

EXHIBIT J

SEALED DOCUMENT

EXHIBIT K

Plaintiff's Medication
Administration Records

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ANGELO CLARK,	:	
	:	
Plaintiff,	:	
	:	Civil Action No.: 06-465 SLR
v.	:	
	:	
CORRECTIONAL MEDICAL SERVICES,	:	
	:	
Defendants.	:	

ORDER

AND NOW this _____ day of _____, 2007, after consideration of the Plaintiff's Motion for Preliminary Injunction and the Defendant's Response thereto, IT IS ORDERED, that the Plaintiff's Motion is Denied.

United States District Court Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ANGELO CLARK,

Plaintiff,

V.

REGIONAL MEDICAL FIRST
CORRECTIONAL,
MANAGER ANGELA WILSON, AND
CORRECTIONAL MEDICAL SERVICES,

Defendants.

• • • • •

C. A. No. 06-465 - SLR

CERTIFICATE OF SERVICE

I, **Patrick G. Rock, Esquire**, of Marks, O'Neill, O'Brien & Courtney, P.C., hereby certify that on this **30th** day of **July**, 2007, two copies of the attached **Response to Motion for Preliminary Injunction** were served by regular mail, first class, postage prepaid, upon the following individual

Inmate Angelo Clark, *Pro Se*
SBI #123209
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

/s/ Patrick G. Rock

Patrick G. Rock, Esquire (I.D. No. 4632)
Attorney for Defendant CMS

SUPERIOR COURT CRIMINAL DOCKET
(as of 07/24/2007)

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State of Delaware v. ANGELO L CLARK
 State's Atty: STUART E SKLUT , Esq.
 Defense Atty: CHRISTOPHER D TEASE , Esq.

DOB: [REDACTED] 1955

AKA: ANGELO CLARK
 ANGELO CLARK
 DARNELL O CLARK
 ORLANDO CLARK
 LEE CLARK

Assigned Judge:

Charges: Count	DUC#	Crim.Action#	Description	Dispo.	Dispo. Date
001	0406018386	PN04071541R1	RAPE FOURTH DEG	GLTY	05/26/2005
002	0406018386	IN04071542	RAPE 2ND WO CON	NOLP	09/30/2005
003	0406018386	IN04071543	RAPE 2ND WO CON	NOLP	09/30/2005

No.	Event Date	Event	Judge
1	07/26/2004	INDICTMENT, TRUE BILL FILED.NO 71 SCHEDULED FOR ARRAIGNMENT AND REPRESENTATION STATUS 08/10/04 AT 8:30 CASE REVIEW 09/07/04 AT 9:00	
2	08/03/2004	CASE ACCEPTED IN SUPERIOR COURT. ARREST DATE: 06/22/2004 PRELIMINARY HEARING DATE: 07/27/04 BAIL: SECURED BAIL-HELD 75,000.00 100% CONDITIONS OF BAIL: NO DIRECT OR INDIRECT CONTACT WITH VICTIM OR WITH THE ALLEGED VICTIM'S PROPERTY, RESIDENCE, PLACE OF EMPLOYMENT, SCHOOL, CHURCH OR ANY OTHER PLACE.	
3	08/04/2004	NOTICE OF SERVICE - DISCOVERY RESPONSE. TO: J. BRENDAN O'NEILL, ESQ. FROM: ALLISON OETERS, DAG.	
4	08/09/2004	CONFLICT LETTER FILED BY J. BRENDAN O'NEILL, ESQ. NO ACTION TAKEN - JIC INDICATES CHRISTOPHER TEASE, ESQ. WAS ASSIGNED TO REPRESENT THE DEFENDANT WHILE THE CASE WAS IN CCP.	
	08/10/2004	ARRAIGNMENT CALENDAR - CONTROL FOR REPRESENTATION, DEFENDANT WAIVED READING OF INDICTMENT, PLEA OF NOT GUILTY ENTERED, JURY TRIAL DEMANDED	WHITE DAVID A.
	09/07/2004	CASE REVIEW CALENDAR CONTINUED 9/20/04 @ 9 DEFENDANT'S REQUEST-CR-NO PLEA OFFER EXTENDED.	HERLIHY JEROME O.
	09/20/2004	CASE REVIEW CALENDAR: CASE REFERRED TO PROBLEM LIST.	SLIGHTS JOSEPH R. III

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State of Delaware v. ANGELO L CLARK
 State's Atty: STUART E SKLUT , Esq.
 Defense Atty:

AKA: ANGELO CLARK
 LEE CLARK

DOB: [REDACTED] 1955

No.	Event Date	Event	Judge
5	09/20/2004	PSYCHOLOGICAL/PSYCHIATRIC REPORT FILED. SUBMITTED BY: MR. TEASE REFERRED TO: MARY JANE WARD JUDGE SLIGHTS SO ORDERED, THIS 20TH DAY OF SEPT. 20, 2004. THE ORDER IS FOR COMPETENCY TO STAND TRIAL, DETERMINE PSYCHIATRIC OR PSYCHOLOGICAL TREATMENT. EVALUATION SHALL BE CONDUCTED AND A REPORT SUBMITTED TO THE COURT NO LATER THAN 11/19/04.	SLIGHTS JOSEPH R. III
6	09/24/2004	LETTER FROM DHSS TO JUDGE SLIGHTS. RE: REQUEST FOR EXTENSION TO COMPLETE COMPETENCY EVALUATION.	
7	10/27/2004	STATE'S MOTION TO SUBJECT DEFENDANT TO HIV TESTING FILED. BY ALLISON L TEXTER,DAG REFERRED TO JUDGE SLIGHTS (SIGNED MOTION & ORDER FOR PSYCH EX 09/20)	
8	11/16/2004	MOTION TO HAVE DEFENDANT TESTED FOR HIV VIRUS GRANTED. IT IS HEREBY ORDERED THAT ANGELO CLARK UNDERGO HUMAN IMMUNODEFICIENCY VIRUS TESTING UNDER THE DIRECTION OF DIVISION OF PUBLIC HEALTH,REGARD- LESS OF ANY PRIOR HUMAN IMMUNODEFICIENCY VIRUS TEST ON THE DEFENDANT. IT IS FURTHER ORDERED,PURSUANT TO 11 DEL.C.\$3914(A),THAT UPON COMPLET- ION OF SUCH TESTING, THE RESULTS SHALL BE MADE AVAILABLE BY THE DIV. OF PUBLIC HEALTH TO RICHARD CLEMMER,THE GUARDIAN OF THE VICTIM, AS THE VICTIM IS MENTALLY INCAPACITATED. IT IS SO ORDERED THIS 16TH DAY OF NOVEMBER,2004. JRS	SLIGHTS JOSEPH R. III
9	12/02/2004	PSYCHOLOGICAL/PSYCHIATRIC REPORT FILED. SUBMITTED BY: DAVID RASKIN, MD COPY SENT TO COUNSEL	
10	12/07/2004	LETTER FROM COMMISSIONER VAVALA TO COUNSEL RE: GIVING 10 DAYS TO REQUEST A COMPETENCY HEARING AND SCHEDULING CASE REVIEW FOR 1-3-05 AT 9:00.	
	01/03/2005	CASE REVIEW CALENDAR: SET FOR FINAL CASE REVIEW 1/24/05 @ 9:00	DEL PESCO SUSAN C.
	01/24/2005	FINAL CASE REVIEW: NO PLEA/SET FOR TRIAL_5/26/05	ABLEMAN PEGGY L.
11	01/24/2005	ORDER SCHEDULING TRIAL FILED. TRIAL DATE: 5/26/05 CASE CATEGORY: (1) ASSIGNED JUDGE (CATEGORY 1 CASES ONLY): JUDGE BABIARZ	

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State of Delaware v. ANGELO L CLARK
 State's Atty: STUART E SKLUT , Esq.
 Defense Atty:

AKA: ANGELO CLARK
 LEE CLARK

DOB: [REDACTED] 955

No.	Event Date	Event	Judge
		UNLESS THE COURT IS ADVISED WITHIN 2 WEEKS OF THE UNAVAILABILITY OF NECESSARY WITNESSES, THE COURT WILL CONSIDER THE MATTER READY FOR TRIAL. ABSENT EXCEPTIONAL CIRCUMSTANCES, RESCHEDULING OR CONTINUANCE REQUESTS WILL BE DENIED.	
12	05/02/2005	SUBPOENA(S) MAILED.	
13	05/06/2005	SUBPOENA(S) RETURNED. NON EST	
14	05/09/2005	STATE'D WITNESS SUBPOENA ISSUE.	
15	05/26/2005	JURDEN JAN R. TRIAL CALENDAR-JURY TRIAL-PLED GUILTY-PSI ORDERED	
16	05/26/2005	ORDER AND MOTION FOR PSYCHIATRIC/PSYCHOLOGICAL EVALUATION FILED. DEFENDANT SHALL UNDERGO A PSYCHIATRIC/PSYCHOLOGICAL EVALUATION BY STAFF AT: (DELAWARE PSYCHIATRIC CENTER OR PRIVATE SERVICE PROVIDER). REASON: TO DETERMIN WHETHER GUILY BUT MENTALLY ILL PLEA IS APPROPRIATE EVALUATION SHALL BE SUBMITTED TO COURT NO LATER THAN: JUNE 26, 2005 EVALUATION SHALL BE SUBMITTED TO: JUDGE JURDEN MASTER SHALL FORWARD EVALUATION TO COUNSEL; COUNSEL SHALL NOTIFY THE COURT WITHIN 10 DAYS WHETHER A COMPETENCY HEARING IS REQUIRED. IF NO NOTIFICATION, COURT WILL ASSUME HEARING IS UNNECESSARY, AND CASE WILL BE SCHEDULED AS APPROPRIATE. IF COUNSEL NOTIFIES COURT THAT A COMPETENCY HEARING IS REQUIRED, PROTHONOTARY SHALL CONSULT WITH COUNSEL AND SCHEDULE HEARING. THE CRIMINAL ASSIGNMENT JUDGE SHALL ASSIGN THE HEARING TO ANY JUDGE AVAILABLE. DEFENDANT MUST BE KEPT SEREGATED FROM THE VICTIM, KATHERINE CLEMMER. THERE IS A NO CONTECT ORDER	
17	05/27/2005	SUBPOENA(S) SERVED BY SHERIFF.	
18	05/27/2005	SUBPOENA(S) SERVED BY SHERIFF.	
19	05/27/2005	SUBPOENA(S) SERVED BY SHERIFF.	
20	07/14/2005	PSYCHOLOGICAL/PSYCHIATRIC REPORT FILED. SUBMITTED BY: KATHRYN SHENEMAN, PSY.D., J.D. COPY SENT TO COUNSEL	
21	07/20/2005	CONTINUANCE REQUEST FILED BY C TEASE REF TO JUDGE COOCH SENTENCING DATE 7/29/05 GRANTED 07/21/05	

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State of Delaware v. ANGELO L CLARK
 State's Atty: STUART E SKLUT , Esq.
 Defense Atty:

AKA: ANGELO CLARK
 LEE CLARK

DOB: [REDACTED] 1955

No.	Event Date	Event	Judge
22	07/28/2005	SENTENCING CALENDAR - CONTINUED. DEFENSE REQUEST - ATTY. ON VACATION.	
23	09/30/2005	SENTENCING CALENDAR: DEFENDANT SENTENCED.	COOCH RICHARD R.
24	09/30/2005	ASOP SENTENCING ORDER SIGNED AND FILED 09/30/05.	COOCH RICHARD R.
25	12/23/2005	MOTION FOR MODIFICATION OF SENTENCE FILED. BY MICHAEL MODICA, ESQ REFERRED TO ISO FOR JUDGE COOCH	
26	01/05/2006	LETTER FROM JUDGE COOCH TO COUNSEL RE: MOTION FOR MODIFICATION OF SENTENCE. THE STATE SHALL INFORM JUDGE COOCH ITS POSITION ON OR BEFORE JANUARY 23, 2006. FAILURE OF THE STATE TO FILE A RESPONSE BY THE DATE MAY BE DEEMED LACK OF OPPOSITION BY THE STATE.	
27	02/13/2006	LETTER/ORDER ISSUED BY JUDGE: COOCH. RE: MOTION FOR SENTENCE MODIFICATION: DENIED. IT IS SO ORDERED	COOCH RICHARD R.
28	04/24/2006	DEFENDANT'S LETTER FILED. TO: JUDGE COOCH LETTER REGARDING LEVEL FOUR PORTION OF SENTENCE.	
29	05/10/2006	MOTION FOR MODIFICATION OF SENTENCE FILED PRO-SE. REFERRED TO PRESENTENCE 05/11/06 FOR JUDGE JURDEN. (DEFT. LETTER CAME DOWN FROM CHAMBERS WITH REQUEST TO PROCESS.)	
30	07/11/2006	ORDER MOTION FOR MODIFICATION OF SENTENCE DENIED. NO ACTION REQUIRED BY COURT. COURT CANNOT ASCERTAIN REHEAF. BEING SOUGHT. (NOTE: YOUR HONOR WROTE ANSWER ON DEFT. LETTER.)	JURDEN JAN R.
31	07/26/2006	TRANSCRIPT FILED. SENTENCING HEARING-SEPTEMBER 30, 2005 BEFORE JUDGE COOCH PATRICK O'HARE, RPR	
32	08/01/2006	MOTION FOR POSTCONVICTION RELIEF FILED. PRO SE REFERRED TO JUDGE JURDEN	
34	08/01/2006		

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State of Delaware v. ANGELO L CLARK
 State's Atty: STUART E SKLUT , Esq.
 Defense Atty:

AKA: ANGELO CLARK
 LEE CLARK

DOB: [REDACTED]/1955

No.	Event Date	Event	Judge
		MOTION FOR APPOINTMENT OF COUNSEL FILED. PRO SE REFERRED TO JUDGE JURDEN	
33	08/09/2006	LETTER FROM A. HAIRSTON, PROTHONOTARY OFFICE TO STUART SKLUT, DAG RE: NOTICE OF FILING OF PRO SE MOTION FOR POSTCONVICTION RELIEF. ATTACHED COPY OF MOTION	
35	01/25/2007	JURDEN JAN R. ORDER TO TRANSFER DEFENDANT TO DELAWARE PSYCHIATRIC CENTER. IT IS ORDERED THAT DEFENDANT BE TRANSFERRED FROM DEL. CORRECTIONAL CENTER TO THE DELAWARE PSYCHIATRIC CENTER FOR EVALUATION AND TREATMENT	
36	01/31/2007	JURDEN JAN R. ORDER: UPON DEFENDANT'S MOTION FOR POSTCONVICTION RELIEF: DENIED IN PART. CLARK HAS FAILED TO DEMONSTRATE THAT HE WAS DENIED EFFECTIVE ASSISTANCE OF COUNSEL IN CONJUNCTION WITH HIS GUILTY PLEA. CLARK'S ADDITIONAL GROUND FOR RELIEF RELATED TO THE SENTENCING PORCEEDING WILL BE ADDRESS IN A SUBSEQUENT DECISION BY THE SENTENCING JUDGE. IT IS SO ORDERED.	
37	02/05/2007	COOCH RICHARD R. ORDER OF BRIEFING. THIS ORDER OF BRIEFING ADDRESSES ONLY THE SENTENCING CLAIM. IT IS ORDERED THAT: (1) DEFENDANT'S PRIOR COUNSEL C. TEASE, ESQ SHALL FILE AN AFFIDAVIT WITH THE PROTHONOTARY RESPONDING REGARDING THE FACTUAL ALLEGATIONS OF THE INEFFECTIVE-ASSISTANCE OF COUNSEL CLAIM(S) PURSUANT TO RULE 61(G)(2) ON OR BEFORE MARCH 2, 07, SERVING THE AFFIDAVIT ON THE STATE AND ON THE MOVANT. (2) THE DEPT. OF JUSTICE SHALL FILE A LEGAL MEMORANDUM WITH THE PROTHONOTARY IN RESPONSE TO THE MOTION, TAKING INTO ACCOUNT THE FACTUAL ASSERTIONS IN BOTH THE MOTION AND TRIAL COUNSEL'S RESPONSE ON OR BEFORE APRIL 2, 07 (3) ANY REPLY BY MOVANT SHALL BE FILED BY MAY 2, 2007.	
38	02/15/2007	JURDEN JAN R. ORDER: DEFENDANT'S MOTION FOR APPOINTMENT OF COUNSEL IS DENIED.	
39	03/05/2007	AFFIDAVIT OF PRIOR COUNSEL IN REFERENCE TO RULE 61. FILED BY CHRISTOPHER TEASE, ESQ REFERRED TO JUDGE COOCH	
40	04/25/2007	PSYCHOLOGICAL/PSYCHIATRIC REPORT FILED. SUBMITTED BY: ANDREW DONOHUE, DO SEALED BY ORDER OF THE COURT	
42	05/10/2007	NOTICE OF SERVICE - DISCOVERY REQUEST. FROM CHRISTOPHER D. TEASE, ESQ.	
41	05/11/2007	COOCH RICHARD R.	

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State of Delaware v. ANGELO L CLARK
State's Atty: STUART E SKLUT , Esq.
Defense Atty:

AKA: ANGELO CLARK
LEE CLARK

DOB: [REDACTED]/1955

No.	Event Date	Event	Judge
		LETTER FROM JUDGE COOCH TO STUART SKLUT, DAG. RE: RULE 61 DEFENDANT'S AUGUST 1, 2006 MOTION FOR POSTCONVICTION RELIEF HAS BEEN DECIDED IN PART(GUILTY PLEA CLAIM) AND IS PENDING IN PART(SENTENCING CLAIM). DEFENDANT'S PRIOR COUNSEL , CHRISTOPHER TEASE HAS FILED AN AFFIDAVIT RESPONDING TO THE ALLEGATIONS OF INEFFECTIVE ASSISTANCE OF COUNSEL CLAIM(INSOFAR AS THE SENTENCING ISSUE IS CONCERNED). THE STATE SHALL FILE A LEGAL MEMORANDUM BY MAY 31 RESPONDING TO BOTH 1) THAT PORTION OF THE RULE 61 PETITION THAT RAISES SENTENCING CLAIMS AND 2) MR. TEASE AFFIDAVIT. ANY REPLY FROM MOVANT MUST BE FILED BY JUNE 25. IT IS SO ORDERED.	
43	05/31/2007	STATE'S RESPONSE OPPOSING DEFENDANT'S MOTION FOR SENTENCE REDUCTION FILED. FILED BY STUART SKLUT, DAG REFERRED TO JUDGE COOCH	
44	05/31/2007	STATE'S RESPONSE IN REFERENCE TO DEFENDANT'S MOTION FOR SENTENCE REDUCTION. FILED BY STUART SKLUT, DAG REFERRED TO JUDGE COOCH	
45	06/11/2007	ORDER TO TRANSFER DEFENDANT TO DELAWARE CORRECTIONAL CENTER: NOW, THIS 8TH DAY OF JUNE, 2007, IT IS ORDERED THAT ANGELO CLARK BE TRANSFERRED FROM THE DELAWARE PSYCHIATRIC CENTER TO THE DELAWARE CORRECTIONAL CENTER. DEFENDANT NEEDS TO CONTINUE RECEIVING MENTAL HEALTH SERVICES AS LONG AS HE IS IN THE CUSTODY OF DEPARTMENT OF CORRECTIONS.	JURDEN JAN R.
46	07/20/2007	LETTER FROM JUDGE COOCH TO STUART SKLUT, DAG & ANGELO CLARK RE: ENCLOSED PLEASE FIND A COPY OF AN ORDER IN THE ABOVE-CAPTIONED CASE.	COOCH RICHARD R.
47	07/20/2007	ORDER: UPON DEFENDANT'S MOTION FOR POSTCONVICTION RELIEF. DENIED. IT IS SO ORDERED	COOCH RICHARD R.

*** END OF DOCKET LISTING AS OF 07/24/2007 ***
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